

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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DANNY GONZALEZ,

Plaintiff,

-against-

BERKSHIRE TRIBECCA, LLC,

Defendant.
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05 CV 0912 (NG) (JMA)

ORDER

GERSHON, United States District Judge:

By stipulation dated May 16, 2005, so ordered by the court on May 17, 2005, the parties agreed to join a non-diverse defendant, depriving the court of subject matter jurisdiction over this case. Now, on consent of the parties and pursuant to 28 U.S.C. § 1447(e), this case is remanded to New York Supreme Court, Kings County. The Clerk of Court is directed to transfer the case files to that court.

SO ORDERED.

/S/
NINA GERSHON
United States District Judge

Dated: Brooklyn, New York
June 2, 2005